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7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-475*

12 **EDWARD ALLEN BOYD**
13 **55 Freedom Lane**
Mineral Wells, WV 26150

A C C U S A T I O N

14 **Registered Nurse License No. 692196**

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about November 8, 2006, the Board of Registered Nursing issued Registered
24 Nurse License Number 692196 to Edward Allen Boyd (Respondent). The Registered Nurse
25 License expired on June 30, 2008, and has not been renewed.

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Out-of-State Discipline)**

5 9. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), in
6 that effective March 8, 2012, before the West Virginia State Board of Examiners for Registered
7 Professional Nurses, in the case entitled, *In the Matter of Edward Boyd, License No: 64490*,
8 attached hereto as Exhibit A, Respondent's West Virginia professional nurse license 64490, that
9 was issued on July 7, 2004, was suspended for a period of one (1) year with certain terms and
10 conditions. The circumstances are as follows:

11 a. On or about October 29, 2009, Respondent signed an Impaired Nurse Treatment
12 Program (INTP) contract with the West Virginia State Board of Examiners admitting to the abuse
13 of Lortab, Percocet, and Darvocet and agreeing to practice registered professional nursing only
14 under certain terms and conditions.

15 b. Respondent received a letter dated August 13, 2010 stating that he had not complied
16 with the drug screening program requirement where Respondent failed to submit to a random
17 drug screen on August 12, 2010.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 692196, issued to Edward
22 Allen Boyd;

23 2. Ordering Edward Allen Boyd to pay the Board of Registered Nursing the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions
25 Code section 125.3;

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1 3. Taking such other and further action as deemed necessary and proper.
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4 DATED: December 11, 2012 Louise R. Bailey
5 LOUISE R. BAILEY, M.ED., RN
6 Executive Officer
7 Board of Registered Nursing
8 Department of Consumer Affairs
9 State of California
10 Complainant
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EXHIBIT A

Laura S. Rhodes, M.S.N., R.N.
Executive Director

email: rnboard@wv.gov
web address: www.wvrnboard.com



TELEPHONE:

(304) 558-3596

FAX (304) 558-3666

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive, Suite 102
Charleston, WV 25311-1620

April 13, 2012

California Board of Registered Nursing
Attn: Rico Stephan
1747 N. Market Blvd, STE 150
Sacramento, CA 95834

I, ALICE R FAUCETT, JD, GENERAL COUNSEL & DIRECTOR OF DISCIPLINE

of the West Virginia Board of Examiners for Registered Professional Nurses do hereby
certify that the attached documents, all in the matter of Edward Boyd, registered
professional nurse, license number 64490 are true and correct copies of said public
documents as they appear among the files and records of this office.

Witness my hand and seal of the Board of Nursing this 13th day of April, 2012.

BOARD OF NURSING

By: _____

Alice R. Faucett, JD

General Counsel and Director of Discipline

**WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES**

IN THE MATTER OF EDWARD BOYD

PROPOSED CONSENT AGREEMENT

Comes now Edward Boyd ("Boyd"), and the West Virginia Board of Examiners for Registered Professional Nurses ("Board"), for the purpose of determining what disciplinary action should be taken against Boyd by the Board pursuant to West Virginia Code § 30-7-1, et seq. (1993). As reflected in this document, Boyd has admitted to the stipulations set forth herein, and moves the Board consider these stipulations and the terms of the accompanying proposed agreement, and enter an Order accepting the proposed terms set forth below.

In offering this proposal for settlement of the complaint against license number 64490, Boyd acknowledges that the Board may reject this proposal, and may hold a hearing to impose revocation or other conditions of a disciplinary nature as it deems appropriate.

STIPULATIONS

1. Boyd holds registered professional nurse license number 64490, issued by the Board on July 7, 2004.
2. On October 29, 2009 Boyd signed an Impaired Nurse Treatment Program (INTP) contract admitting to the abuse of Lortab, Percocet, and Darvocet and agreeing to practice registered professional nursing only under certain terms and conditions.
3. Pursuant to the terms of the contract, by letter dated August 13, 2010, Boyd's license was suspended due to noncompliance with the drug screening program requirement.
4. Specifically, Boyd failed to call the drug screen program daily as required in the INTP contract and Boyd failed to submit to a random urine drug screen on August 12, 2010.
5. Boyd admits the above stipulations are true.
6. Boyd's license is reinstated pursuant to the terms of this contract.
7. Boyd acknowledges that his conduct violated West Virginia Code § 30-7-11 (c) and (f), which state that the licensee may be disciplined if he or she "(c) [i]s unfit or incompetent by reason of negligence, habits or other causes; or

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Proposed Consent Agreement
Edward Boyd

. . . (f) [i]s guilty of conduct derogatory to the morals or standing of the profession of registered nursing."

CONCLUSIONS OF LAW

The West Virginia Board of Examiners for Registered Professional Nurses concludes that the stipulations support the sanction of disciplinary action pursuant to West Virginia Code § 30-7-1 et seq. pertaining to the practice of registered professional nursing.

CONSENT

Boyd, by affixing his signature hereon, agrees to the following:

1. He acknowledges that he is aware of his option to retain legal counsel and to be represented by legal counsel at a formal hearing before the Board.
2. He intelligently and voluntarily waives his right to a formal hearing before the Board in this matter, if the Board accepts the terms and conditions set forth herein and joins with him in executing this agreement.
3. He acknowledges that he is fully aware that without his consent, no legal action can be taken against him by this Board, except pursuant to West Virginia Code § 30-7-1 et seq. and relevant rules.
4. He submits this proposed agreement freely and voluntarily and not under duress, restraint or compulsion.
5. He agrees that the Board may investigate his background at any time during the term of this agreement.
6. He consents to the entry of the following order affecting his license to practice registered professional nursing in the State of West Virginia.
7. He understands that the Board may accept or reject the facts and terms set forth in this proposed agreement, and may impose revocation or other conditions of a disciplinary nature as are deemed appropriate.

Proposed Consent Agreement
Edward Boyd

ORDER

On the basis of the foregoing, the Board hereby ORDERS that license number 64490 issued to Boyd, be suspended for the period of one (1) year. Such suspension is hereby stayed contingent upon Boyd complying with the terms set forth below, and license number 64490 is placed on probation for a period of one (1) year employment as a registered professional nurse. The computation of such period is to begin on the date on which notice is received in the office of the Board that Boyd is employed as a registered professional nurse and shall run only during such time that He is employed as a registered professional nurse on at least a permanent part-time basis (forty hours every two weeks) or full time basis in the State of West Virginia. The Board also ORDERS Boyd pay a fine and administrative costs in the amount of one thousand dollars (\$1,000.00).

To receive and maintain a probationary license, regardless of employment status, Boyd shall meet the following conditions:

General:

1. Boyd shall, immediately upon notification of the entry of this Order, submit his current registered professional nurse license to the office of the Board.
2. Boyd shall not commit any act which would be a crime under West Virginia or federal law. If Boyd is charged by any law enforcement agency with committing any such criminal act, He shall notify the Board in writing of the formal charge(s) against him, and resolution of same.
3. Boyd shall maintain a current and active license in the State of West Virginia. He shall not allow his license to lapse or be placed on an inactive status.
4. Boyd shall not, under any circumstances, misrepresent his licensure status.
5. Boyd shall not be employed by a nursing registry, temporary nursing agency, home health care agency, or as a private duty nurse.
6. Boyd shall not work in an autonomous or supervisory nursing position. He shall work only under the direct supervision of a registered professional nurse in a structured setting throughout the term of his probation. Such supervising registered professional nurse must, at

Proposed Consent Agreement
Edward Boyd

the time of said supervision, hold an active, unencumbered West Virginia license.

7. Boyd shall inform the Board in writing within ten (10) days of the date he assumes the practice of registered professional nursing, or any employment in the health care field, in the State of West Virginia and shall include the name, address, and telephone number of his employer. He shall provide in writing the name of his immediate registered professional nurse supervisor. Boyd shall inform the Board of any interruption in nursing practice or change in employment within ten (10) days of such interruption or change.
8. Boyd shall immediately inform his nursing employer, any prospective nursing employer, and the director of any nursing education program in which he enrolls or teaches, that the Board has placed his license on probation, and shall provide a complete copy of this agreement to his employer(s). The Board may provide his employer(s) with a copy of this agreement and may communicate with his employer(s).
9. Boyd shall, within ten (10) days of employment or continuation of practice, cause his employer or immediate registered professional nurse supervisor, to notify the Board, in writing, of the employer's or supervisor's receipt of a copy of this agreement. Boyd shall further cause his employer or supervisor to submit monthly reports to the Board describing Boyd's job performance, attendance, attitude, and other work behaviors during the first year of probation and if his progress is satisfactory to the Board, quarterly thereafter.
10. Boyd shall submit documentation of fifteen (15) contact hours of continuing education in substance abuse each year during the time his license is on probation in addition to those required by law.
11. Boyd shall report in person for appointment with the Board staff upon request.

Rehabilitative:

12. Boyd shall participate in a structured aftercare program, with a certified addictions counselor approved by the Board. The treating certified addictions counselor shall make a monthly report to the Board about Boyd's progress and his compliance with the aftercare program. Boyd shall visit his approved treatment provider at least one

Proposed Consent Agreement
Edward Boyd

(1) time per month during the term of this agreement. This requirement may be modified upon request to the Board by Boyd's certified addictions counselor.

13. Boyd shall submit or have submitted to the Board evidence of his participation in 12-Step meetings. Boyd shall attend at least three (3) 12-Step meetings per week. Written evidence of participation in meetings shall be submitted to the Board on or before the fifth day of each month.
14. Boyd shall not handle nor administer narcotic or psychotropic medications, nor have access to locked or other storage areas in which such medications are kept. Boyd shall notify his employer of this restriction on his practice.
15. Shall submit to unannounced, witnessed drug-screening tests. Said tests shall be on demand and to the specifications of the Board and at Boyd's expense. **Boyd shall call the Board's drug screening company DAILY between the hours of 5:00 a.m. through 2:30 p.m. to see if he is selected to test. Receipt of a positive drug screen and/or not calling the drug screening program daily within the specified time frame is deemed to be a violation of this Consent Agreement, and shall result in immediate suspension of Boyd's license.** Eating products containing poppy seeds will not constitute as an accepted reason for having a positive screen for opioids. Boyd shall not consume tonic water, quinine water, hemp tea or other products containing substances that trigger a positive drug screen.
16. Boyd shall abstain from the use of alcohol and limit his use of drugs to those prescribed for a legitimate purpose by a physician, dentist or nurse practitioner duly licensed in the State of West Virginia. Boyd shall provide a copy of this agreement to any prescribing physician, dentist or nurse practitioner. Boyd shall cause his physician, dentist, or nurse practitioner to notify the Board in writing of any medications/drugs prescribed and the condition for which said drug(s) has been prescribed. Boyd agrees that, if he accepts a prescription for narcotic or psychotropic drugs, the Board may impose additional probationary terms.

Proposed Consent Agreement
Edward Boyd

17. Boyd shall coordinate any health care services he requires with one physician or registered nurse practitioner, who shall be informed of any services or prescriptions sought or obtained by Boyd from any physician, dentist or nurse practitioner. Boyd shall provide this individual, who serves as his point of contact for health care needs, with a copy of this agreement.
18. Boyd shall execute a release to permit the Board to obtain medical or other health care records, which may be requested at any time while his license is on probation, regarding his physical or mental health and any treatment rendered.
19. Boyd shall annually submit to the Board a written personal statement regarding progress in recovery. The statement shall be due at the end of the first year and in each subsequent year during the month in which this agreement is accepted by the Board.

Violation of Terms:

20. Any deviation from these requirements without prior written consent of the Board shall constitute a violation of this Order, and result in immediate suspension of Boyd's probationary license.
21. The Board shall immediately notify Boyd via certified mail of the specific nature of the charges, and the suspension of his license.
 - A. Boyd may request reinstatement of his probationary license through renewal of this agreement, or execution of a new agreement, which may contain different or additional terms. The Board is not bound to comply with this request.
 - B. If the Board does not accept a renewed or new agreement, Boyd shall be notified in writing. Boyd may request a hearing to seek reinstatement of his probationary license. If Boyd requests a hearing following suspension for violation of this agreement and does not prevail, the cost incurred in holding such hearing shall be borne by Boyd. If Boyd prevails, the cost of such hearing shall be borne by the Board. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by the Board or Boyd in bringing the matter to hearing.

Proposed Consent Agreement
Edward Boyd

C. The Board may schedule a hearing on its own initiative for the purpose of allowing the Board opportunity for considering further suspension or revocation of Boyd's license. Said hearing shall be scheduled in accordance with the provisions of West Virginia Code §30-1-8 and §30-7-1 et. seq. The Board shall bear the cost if it should seek a hearing following suspension of Boyd's probationary license for violation of this agreement. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by Boyd in bringing the matter to hearing..

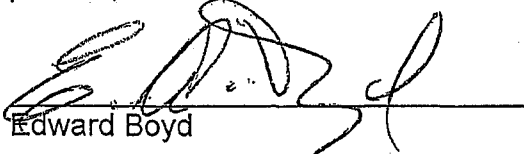
Petition for Reinstatement:

23. Following the one (1) year probationary period, Boyd may petition to appear before the Board and submit satisfactory evidence that He is presently able to safely engage in the practice of registered professional nursing. Evidence in support of this request shall include:

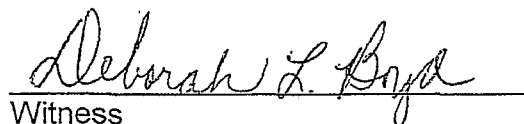
- a. Letter of reference from a physician/therapist involved in Boyd aftercare;
- b. Letter of reference from Boyd employer, if employed;
- c. Letter from Boyd outlining his future plans; and
- d. Payment of all fines and administrative costs.

However, the terms of this Order shall remain in effect and subject to yearly review and appropriate revision by the Board until such time as Boyd license is fully reinstated by the Board.

WHEREFORE, Boyd hereby requests that the Board accept the stipulation and petition, and impose sanctions in accordance with West Virginia Code § 30-7-1 et seq.


Edward Boyd

1/31/12
Date


Witness

1/31/12
Date

Proposed Consent Agreement
Edward Boyd

Agreed to:

Judy Nystrom
Mrs. Judy Nystrom
Disciplinary Review Committee

2-21-12
Date

Teresa Ritchie
Teresa Ritchie, RN, MSN, FNP, DFNP
Disciplinary Review Committee

2-24-12
Date

Mary Elizabeth Farmer, PhD
Mary Elizabeth Farmer, Ph.D
Disciplinary Review Committee

2-29-12
Date

Laura S. Rhodes
Laura S. Rhodes, RN, MSN
Executive Director
West Virginia Board of Examiners
for Registered Professional Nurses

3.8.12
Date

ENTERED: This the 8 day of March, 2012.